

# Final Legislative Report

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SIERRA CLUB LOBBYIST

The legislative session ended on April 28th, but we had to wait three long weeks for the Governor to either sign or veto the environmental bills. Overall, I would say that the Governor was kind to pro-environment legislation, with the exception of the "Environmental Excellence" bill and some other legislation that the Sierra Club did not lobby against actively. On May 20th—the last possible day—Governor Locke held a press conference and vetoed, or partially-vetoed, most of the harmful bills that made it through the legislative process. He also created a Natural Resources Cabinet—good news for us if that structure is taken seriously. With hundreds of bad bills killed or otherwise eliminated, we can say that we held the line, although we did not make advances in better protecting the environment.

Overall, here is how we did:

## Regulatory Reform (ha!)

The Governor vetoed SB 5105, the bill that would have required state agencies to

study (and presumably eliminate) all existing state regulations that were different from, or more stringent than, Federal regulations. And this from a "local-control" legislature!

Governor Locke vetoed SB 5079 which would have "privatized" the NPDES permit process, stating that if the State Department of Energy failed to draft a permit within 6 months, the facility could write its own.

## Environmental Excellence (ha ha!)

Unfortunately, the Governor chose to sign bill HB 1866, supposedly modeled on the Federal XL program, with a partial veto. The law will permit individual facilities and groups of facilities to "negotiate" an agreement to be exempt from the provisions of nearly

all of the state's environmental laws when local jurisdiction laws are in question. Facilities can negotiate with either state or local agencies if it saves them money and they get the same, or better, environmental results. We lobbied the bill hard, and Governor Locke vetoed the provision that would have exempted the agreements from scrutiny under the State Environmental Policy Act, which would have allowed water quality diminishment and which would have restricted the State DOE's termination authority. The best part of getting SEPA back in the bill is that it increases both public participation and judicial appeal opportunities. Environmental leaders have been requested to come to the table and develop guidelines for implementation of the law in the interim. If anyone from the Sierra Club is interested, please let me know as soon as possible.

## Forests and Forest Habitat

A number of bills died at the 11th hour, including one that would have required more aggressive logging in the Loomis State Forest and would have destroyed valuable Lynx habitat. A few good bills passed, including a bill to better regulate the conversion of private forestry lands from forests to developments (SHB 1795).

The Governor also vetoed two bills that would have retroactively restricted the Department of Natural Resources from

entering into the Habitat Conservation Plan for management of state lands (SHB 1022) or, for lands subject to a Habitat Conservation Plan, exempted them from forestry regulation under our state's Forest Practices Act, which is more stringent than Federal law in some instances (SHB 1259).

Of concern is bill SB 5313, which passed unanimously and was signed by the Governor. It will permit the Department of Transportation to do off-site out-of-kind advanced mitigation for environmental damage caused by DOT projects. This means that the DOT now has an account that, once money is allocated, will allow it to buy land, complete environmental restoration work and get credit which the agency can draw against when it does an environmentally damag-

ing project at another time. There are no explicit guarantees that the types of sites to be "restored" will be equal in quality to those later allowed to be degraded, or that they will be

managed for long-term restored value rather than transferred and then developed. There is also concern that having such a "credit account" will diminish the DOT's environmental performance on project sites. *Watch carefully.*

A big fight took place over the Natural Areas Preserves Program (which sets aside less than 1% of state-owned lands for ecological study purposes) due to a contingent of hunters/fishers in Grays Harbor County who want the Preserves in their area open to consumptive uses. A bill passed and was signed to change the status of the Elk River Preserve to a Natural Resources Conservation Area, which allows the possibility of hunting and fishing without mandating it.

## Growth Management

Governor Locke vetoed a series of bad bills that were intended to undermine the state's Growth Management Act, which has been under attack since its passage in 1991 and particularly during this legislature. In an apparent pander to the development community, the Governor did sign a bill that amended the Act slightly by expanding the definition of "rural" to permit more development (this bill, HB 6094, contained the Land Use Study Commission recommendations plus some legislative tweaking). He also permitted limited industrial development in rural

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### SUMMER - HIGH SIERRA

Aug 9-16 **Kings Canyon National Park, CA** \$465  
Kearsarge Pass, Kearsarge Basin, Charlotte Lake, Gardiner Pass, Gardiner Basin, Sixty Lakes Basin, Rae Lakes, Baxter Lakes, Baxter Pass, and down the east scarp of the Sierra. *Strenuous*. 42 miles. 7 lake basins & 3 high passes.

Sep 7-13 **Mineral King & GW Divide, CA** \$510  
Franklin Lakes, Franklin Pass, Little Claire Lake, x-country to Upper Soda Creek Bench & Amphitheater Lake, out via backpack col and Cobalt Lakes. Time to climb high peaks. Solitude, sunshine and early autumn colors. *Moderately Strenuous*. 22 miles. High, some x-country.

### FALL - SOUTHWEST

Sep 28 - Oct 4 **Rainbow Plateau, Navajoland** \$520  
A loop down Navajo Creek then north through slickrock country and east for a day in beautiful West Canyon. Skirt Cummings Mesa, then south on a sheep trail near Jayi Creek. *Moderately Strenuous*. 24 miles. All x-country, slickrock.

Oct 12 - 18 **Paria Canyon Wilderness, UT & AZ** \$510  
Red rock, narrows, blue sky, fall colors and maybe a condor sighting. Explore lower Buckskin Gulch, the granddaddy of all slot canyons, and visit Wrather Arch along the way. *Moderate*. 36 miles. Gentle downhill, crossing stream.

Oct 19 - 25 **Fools-Escalante Canyon-Coyote, UT** \$525  
A loop through three distinctly different canyons and over bare sandstone slickrock. The grandest of the Escalante Canyons are here, just north of Lake Powell. *Moderate*. 31 miles. Minor scrambles, 6 mi. of river x-ing.

Nov 9 - 15 **Superstition Wilderness, AZ** \$480  
From saguaros to oaks, a variety of rugged Sonoran Desert scenes in this extensive wilderness near Phoenix. *Moderately Strenuous*. About 30 miles. Rough Country.

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and e-mails made  
the difference...